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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SHRADHA PRADHAN §
§
v. § **CIVIL ACTION NO. 3:17-cv-1347**
§ **JURY DEMAND**
DANIEL DWIGHT ROSS AND §
LANDSTAR RANGER, INC. §

DEFENDANT LANDSTAR RANGER, INC.'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW **LANDSTAR RANGER, INC.**, (hereinafter “**Landstar**”) in the above entitled and numbered cause, and files this Notice of Removal of the above-captioned case. Removal is based on 28 U.S.C. § 1332 (diversity jurisdiction) and is authorized by 28 U.S.C. §§ 1441 and 1446.

I.
BACKGROUND

1. On or about August 26, 2015, Plaintiff Shraha Pradhan sued Defendants Daniel Dwight Ross and Landstar Ranger, Inc. in the 44th Judicial District Court of Dallas County, Texas in Cause No. DC-17-04356, alleging negligence and negligence per se against Defendants.

2. Service of process was mailed on April 18, 2017 to Landstar at its principal office located at 1000 Simpson Road, Rockford, Illinois 61102. Service of process was received by Landstar on April 25, 2017 at its principle office in Rockford, Illinois.

3. Plaintiff Shradha Pradhan is an individual who is domiciled in Harris County, Texas.

4. Defendant Daniel Dwight Ross is an individual who is domiciled in Cherokee County, South Carolina.

5. Defendant Landstar Ranger, Inc. is incorporated in the State of Delaware, and whose principal office is located in Winnebago County, Illinois.

6. Plaintiff's Original Petition, filed contemporaneously herewith, states that the amount of damages sought is not to exceed Two Hundred Fifty Thousand Dollars (\$250,000).

II.
BASIS FOR REMOVAL

7. Removal is proper under 28 U.S.C. § 1332(a) because Plaintiff's suit is a civil action in which this Court has original jurisdiction over the parties, based upon diversity jurisdiction under 28 U.S.C. § 1332. This action is removable to this Court pursuant to the provisions of 28 U.S.C. §1441(b) because Plaintiff is a citizen of the State of Texas, Defendant Daniel Dwight Ross is a citizen of the State of South Carolina, and Defendant **LANDSTAR RANGER, INC.** is a corporation that is incorporated in the State of Delaware, with its principal place of business in the State of Illinois, and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000).

A. Complete Diversity Exists.

8. As the Court is certainly aware, for diversity purposes, a person is considered a citizen of the state where that person is domiciled. Plaintiff is a person and domiciled in the State of Texas. Defendant Daniel Dwight Ross is a person and domiciled in South Carolina. If the person is a corporation, the citizenship of the corporation is determined by the state of incorporation, and the state where it has its principle place of business. *See* 28 U.S.C. § 1332(c).

Defendant **LANDSTAR RANGER, INC.** is incorporated in the State of Delaware, with its principle place of business in the State of Illinois.

9. Because the Plaintiff, Defendant Daniel Dwight Ross, and Defendant **LANDSTAR RANGER, INC.**, do not share citizenship in any state, removal is proper on diversity grounds.

10. All Defendants are now, and were at the time the removed action was commenced, diverse in citizenship from the Plaintiff. 28 U.S.C. § 1332. *See* Plaintiff's Original Petition.

B. The Amount in Controversy Exceeds \$75,000.00.

11. As previously stated, Plaintiff's Original Petition identified the amount in controversy to not exceed Two Hundred and Fifty Thousand Dollars (\$250,000).

12. Accordingly, although no minimum amount of damages is set in the Plaintiff's Original Petition, representations by Plaintiff's counsel confirm the amount in controversy is beyond the threshold amount of Seventy-Five Thousand Dollars (\$75,000).¹

13. Accordingly, because this notice of removal has been filed within thirty days after Plaintiff provided his Original Petition, providing his claim for relief, this removal is proper and timely under 28 U.S.C. §1446(b)(3).

14. The United States District Court for the Northern District of Texas, Dallas Division, embraces Dallas County, Texas, the place where the state court action was filed and is pending.

¹ *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 553, 190 L. Ed. 2d 495 (2014) ("[W]hen a defendant seeks federal-court adjudication, the defendant's amount-in-controversy allegation should be accepted when not contested by the plaintiff or questioned by the court."); *Id.* at 554 ("[A] defendant's notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold."); *See also* *Shunatona v. Wells Fargo*, 2016 U.S. Dist. LEXIS 132446, at *14-*15 (N.D. Tex., Sept. 27, 2016).

15. The live pleadings before the state court are solely Plaintiff's Original Petition and Defendant Landstar Ranger, Inc.'s Original Answer. No other motions are pending before the state court.

16. All pleadings, process, orders, and other filings in the state court action are attached to this Notice as **Exhibit "A,"** as required by 28 U.S.C. § 1446(a).

III.
REQUEST FOR JURY TRIAL

17. Defendant **LANDSTAR RANGER, INC.** hereby demands a trial by jury in accordance with the provisions of FED. R. CIV. P. 38.

WHEREFORE, PREMISES CONSIDERED, **LANDSTAR RANGER, INC.**, as a party in diversity with the Plaintiff and Co-Defendant, respectfully requests that this action be immediately and entirely removed upon filing of this Notice of Removal to the United States District Court for the Northern District of Texas, Dallas Division, and for such other and further relief to which it may show itself to be justly entitled in equity or law.

Respectfully submitted,

/s/ Michael P. Sharp

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**ATTORNEY FOR DEFENDANT
LANDSTAR RANGER, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of May, 2017, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the electronic records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Jordan M. Torry
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/s/ Michael P. Sharp

MICHAEL P. SHARP